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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALM ANGELS S.R.L.,

Plaintiff

v.

AAPE01, AINI008, ANDYS_TRIBE, ASSCER, BAGII,
BELOYOU, BERNIEE, BESTSELLER009, BIDA-JOSH,
BIGNEWS, BLUEBERRY07, BLUEBERRY12,
BLUEDAILY, BOOSTSHOES700, BOYLONDON01,
BUTTONHOLE, CACY, CALEY, CAGNEY,
CAIFUSHIJA888, CHANBAI, CHAO01,
CHARISMATIC_PERSONAL, CHENGXINSHOP888,
CINDA01, CINDA02, CLOTHING_TRADE,
CLOTHINGDH, CNFIRST, CUTE08,
DESIGNER_BRAND08, DINGSOM, DONG666104,
DONGGUAN_WHOLESALE, DUANHU, EASME,
ELEGANTSTOREFEMALE, EVISUBOY,
FACENORTHPALACE, FADACAI1688, FAFABA168,
FASHION_BRAND2131, FASHION_MEN,
FASHION_PALACE, FASHIONGUYS,
FASHIONSHOODIE, FASHIONSHOP0618, FLORENCE33,
FOGBANK2012, GAODASHANG, GIV_SHOP, GODMEN,
GOU02, GUANGZHOU18, GUCCIMENCLOTHES,
HAIPISHOP, HANFEI001, HANFEI011, HAO421,
HAPPY_WEDDINGS, HHWQ105, HIPHOPBOY,
HIPHOPSHOP, HONEY333, HONHUI, ILOVEAPPLE,
JUNLONG02, JUNQINGY, KANYEWEST,

CIVIL ACTION No.
19-cv-11332 (LAK)

~~PROPOSED~~
FINAL DEFAULT
JUDGMENT AND
PERMANENT
INJUNCTION ORDER

LADYLBDCLOTH, LAOCUNZHANG667788,
LEONARD5001, LIFACAI1987, LINMEI0005,
LINMEI0006, LORAL, LOVECLOTH, LOVEIT2017,
MENGMENG2019, MENSUPSTORE,
MINGXINMAOYI888, MIRROR_HOME,
NECKSWEATER, NYSH, ODALIS, OLDRIVER, OMO001,
OMO003, OMO005, ONEREPUBLIC2, OTTIE,
PALM_HOME, PATAGONIA, PINGMEI,
PRETTYAMAZING, QQ1239067373, QUOTA, REBECCO,
REDBUD03, RI007, ROOTCOOL, SALOM,
SHANSHAN01, SHEN05, SHEN8403, SHOPPING852,
SHUANG17, SKYHOME, STONE_ISLAND66,
STONESUPER, STUSSYBOY, SZGHHCOOL, TAO02,
THENORTHFACE01, TUBI03, VINTAGECLOTHING,
VLONE01, VLONES123, VOGOGIRL, WORKWELL,
WOTAINANLE2, WQ3974, XINGYAN03, XIUMEI1688,
XUEHANHAN, YI1BEI8SHUI3, YINGYINGYANYAN,
YIZHAN01, YUYUAN7910, YYLIANG,
ZHANGSANFAFAFA888, ZHENGRUI06, ZHENGRUI07,
ZHIQIANGSHOPS888, ZHUNIN and ZTY007,

Defendants

GLOSSARY

<u>Term</u>	<u>Definition</u>	<u>Docket Entry Number</u>
Plaintiff or Palm Angels	Palm Angels S.r.l	N/A
Defendants	Aape01, Aini008, Andys_tribe, Asscer, Bagii, Beloyou, Bernice, Bestseller009, Bida-josh, Bignews, Blueberry07, Blueberry12, Bluedaily, Boostshoes700, Boylondon01, Buttonhole, Cacy, Caeley, Cagney, Caifushijia888, Chanbai, Chao01, Charismatic_Personal, Chengxinshop888, Cinda01, Cinda02, Clothing_trade, Clothingdh, Cnfirst, Cute08, Designer_brand08, Dingsom, Dong666104, Dongguan_wholesale, Duanhu, Easme, Elegantstorefemale, Evisuboy, Facenorthpalace, Fadacai1688, Fafafa168, Fashion_brand2131, Fashion_men, Fashion_palace, Fashionguys, Fashionshodie, Fashionshop0618, Florence33, Fogbank2012, Gaodashang, Giv_shop, Godmen, Gou02, Guangzhou18, Guccimenclothes, Haipishop, Hanfei001, Hanfei011, Hao421, Happy_weddings, Hhwq105, Hiphopboy, Hiphopshop, Honey333, Honhui, Iloveapple, Junlong02, Junqingy, Kanyewest, Ladylbdcloth, Laocunzhang667788, Leonard5001, Lifacai1987, Linmei0005, Linmei0006, Loral, Lovecloth, Loveit2017, Mengmeng2019, Mensupstore, Mingxinmaoyi888, Mirror_home, Neckswearer, Nysh, Odalis, Oldriver, Omo001, Omo003, Omo005, Onerepublic2, Ottie, Palm_home, Patagonia, Pingmei, Prettyamazing, Qq1239067373, Quota, Rebecca, Redbud03, Ri007, Rootcool, Salom, Shanshan01, Shen05, Shen8403, Shopping852, Shuang17, Skyhome, Stone_island66, Stonesuper, Stussyboy, Szghhcool, Tao02, Thenorthface01, Tubi03, Vintageclothing, Vlone01, Vlones123, Vogogirl, Workwell, Wotainanle2, Wq3974, Xingyan03, Xiumei1688, Xuehanhan, Yilbei8shui3, Yingyingyanyan, Yizhan01, Yuyuan7910, Yyliang, Zhangsanfafafa888, Zhengrui06, Zhengrui07, Zhiqiangshops888, Zhunin and Zty007	N/A
Defaulting Defendants	Aini008, Andys_tribe, Asscer, Bagii, Beloyou, Bestseller009, Bignews, Bluedaily, Caifushijia888, Chao01, Charismatic_Personal, Chengxinshop888, Cinda02, Clothing_trade, Cnfirst, Dingsom, Dongguan_wholesale, Elegantstorefemale, Facenorthpalace, Fadacai1688, Fafafa168,	N/A

	Fashion_brand2131, Fashion_men, Fashion_palace, Fashionshoodie, Fashionshop0618, Fogbank2012, Gaodashang, Giv_shop, Gou02, Guangzhou18, Guccimenclothes, Haipishop, Hanfei001, Hanfei011, Hao421, Happy_weddings, Hhwq105, Hiphopshop, Iloveapple, Junlong02, Kanyewest, Laocunzhang667788, Leonard5001, Lifacai1987, Linmei0005, Linmei0006, Lovecloth, Loveit2017, Mengmeng2019, Mensupstore, Mingxinmaoyi888, Mirror_home, Nysh, Oldriver, Omo001, Omo003, Omo005, Onerepublic2, Oattie, Palm_home, Patagonia, Pingmei, Qq1239067373, Ri007, Rootcool, Shanshan01, Shen05, Shen8403, Shopping852, Shuang17, Skyhome, Stone_island66, Stonesuper, Szghhcool, Tao02, Thenorthface01, Tubi03, Vlone01, Vlones123, Wotainanle2, Wq3974, Xingyan03, Xiumei1688, Xuehanhan, Yilbei8shui3, Yingyingyanyan, Yizhan01, Yuyuan7910, Zhangsanfafafa888, Zhengrui06, Zhengrui07, Zhiqiangshops888 and Zty007	
DHgate	Dunhuang Group d/b/a DHgate.com, an online marketplace and e-commerce platform which allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their wholesale and retail products originating from China directly to consumers worldwide and specifically to consumers residing in the U.S., including New York.	N/A
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiff	N/A
NAL	New Alchemy Limited, a company that provides intellectual property infringement research services, to investigate and research manufacturers, wholesalers, retailers and/or other merchants offering for sale and/or selling counterfeit products on online marketplace platforms	N/A
New York Addresses	20 Cooper Square, New York, New York 10003; 244 Madison Ave Ste 411, New York, New York 10016	N/A
Sealing Order	Order to Seal File entered on December 11, 2019	1
Complaint	Plaintiff's Complaint filed on October 13, 2021	8
Application	Plaintiff's <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order	13-17

	authorizing expedited discovery filed on December 11, 2019	
Rubino Dec.	Declaration of Mara Rubino in Support of Plaintiff's Application	16
Arnaiz Dec.	Declaration of Jessica Arnaiz in support of Plaintiff's Application	15
Yamali Dec.	Declaration of Danielle S. Yamali in Support of Plaintiff's Application	17
TRO	1) Temporary Restraining Order; 2) Order Restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) Order to Show Cause Why a Preliminary Injunction Should Not Issue; 4) Order Authorizing Bifurcated and Alternative Service; and 5) Order Authorizing Expedited Discovery entered on December 16, 2019	20
PI Show Cause Hearing	January 6, 2020 hearing to show cause why a preliminary injunction should not issue	N/A
PI Order	January 9, 2020 Preliminary Injunction Order	6
User Account(s)	Any and all websites and any and all accounts with online marketplace platforms such as DHgate, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
Palm Angels Products	A successful fashion label that aims to bridge the gap between luxury and streetwear with its California-inspired range of tees, hoodies, tracksuits, jackets, punk tartans, accessories and more	N/A
Palm Angels Mark	U.S. Trademark Registration No. 4,929,759 for " Palm Angels ," for the stylized Palm Angels Mark for goods in Class 9, 18 and 25	N/A
Counterfeit Products	Products bearing or used in connection with the Palm Angels Mark, and/or products in packaging and/or containing labels bearing the Palm Angels Mark, and/or	N/A

	bearing or used in connection with marks that are confusingly similar to the Palm Angels Mark and/or products that are identical or confusingly similar to the Palm Angels Products	
Infringing Listings	Defendants' listings for Counterfeit Products	N/A
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)	N/A
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)	N/A
Financial Institutions	Any and all banks, financial institutions, credit card companies and payment processing agencies, such as DHgate (e.g., DHpay.com), PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer") and PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants	N/A
Third Party Service Providers	Online platforms, including, without limitation, those owned and operated, directly or indirectly by DHgate, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise	N/A
Plaintiff's Motion for Default Judgment	Plaintiff's Motion for Default Judgment and a Permanent Injunction filed on May 25, 2022	TBD
Futterman Aff.	Affidavit by Danielle (Yamali) Futterman in Support of Plaintiff's Motion for Default Judgment	TBD


This matter comes before the Court by motion filed by Plaintiff for the entry of final judgment and permanent injunction by default against Defaulting Defendants for Defaulting Defendants' trademark infringement and trademark counterfeiting arising out of Defaulting Defendants' unauthorized use of Plaintiff's Palm Angels Mark including, without limitation, in their manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying or offering for sale and/or selling and/or sale of Counterfeit Products.¹

The Court, having considered the Memorandum of Law and Affidavit of Danielle (Yamali) Futterman in support of Plaintiff's Motion for Default Judgment and a Permanent Injunction Against Defaulting Defendants, the Certificate of Service of the Summons and Complaint, the Certificate of the Clerk of the Court stating that no answer has been filed in the instant action, and upon all other pleadings and papers on file in this action, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. Defaulting Defendants' Liability

- 1) ORDERED, ADJUDGED AND DECREED that judgment is granted in favor of Plaintiff as to the first and second causes of action pleaded in the Complaint (trademark counterfeiting and trademark infringement).

II. Damages Awards

- 2) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that because it would serve the compensatory and punitive purposes of the Lanham Act's prohibitions on trademark counterfeiting and infringement and because Plaintiff has sufficiently set forth the basis for the statutory damages requested in its Motion for Default Judgment, the Court awards Plaintiff  ~~Twenty Seven~~ ^{Twenty} Five Thousand Dollars (~~\$75,000.00~~ ^(\$25,000)) ("Defaulting Defendants' Individual Damages")

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

Award”) in statutory damages against each of the Ninety Three (93) Defaulting Defendants pursuant to 15 U.S.C. § 1117(c) of the Lanham Act, as well as post-judgment interest at the statutory rate set forth in 28 U.S.C. § 1961(a).

III. Permanent Injunction

3) IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defaulting Defendants, their respective officers, agents, servants, employees, successors and assigns, and all persons acting in concert with Defaulting Defendants who receive actual notice of this Order are permanently enjoined and restrained from:

- A. manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products;
- B. directly or indirectly infringing in any manner Plaintiff’s Palm Angels Mark;
- C. using any reproduction, counterfeit, copy or colorable imitation of Plaintiff’s Palm Angels Mark to identify any goods or services not authorized by Plaintiff;
- D. using Plaintiff’s Palm Angels Mark, or any other marks that are confusingly similar to the Palm Angels Mark on or in connection with the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in the Counterfeit Products;
- E. using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised,

marketed, promoted, distributed, displayed, offered for sale or sold by Defaulting Defendants and Defaulting Defendants' commercial activities and Plaintiff;

F. secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products; (ii) any computer files, data, business records, documents or any other records or evidence relating to:

- i. Defaulting Defendants' User Accounts and/or Merchant Storefronts;
- ii. Defaulting Defendants' Assets; and
- iii. the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products by Defaulting Defendants and by their respective officers, employees, agents, servants and all persons in active concert or participation with any of them; and

G. effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order.

4) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defaulting Defendants shall deliver up for destruction to Plaintiff any and all Counterfeit Products and any and all packaging, labels, tags, advertising and promotional materials and any other materials in the possession, custody or control of Defaulting Defendants that infringe Plaintiff's Palm Angels Mark, or bear any marks that are confusingly similar to the Palm Angels Mark pursuant to 15 U.S.C. § 1118.

IV. Dissolution of Rule 62(a) Stay


- 5) IT IS FURTHER ORDERED, ADJOURNED AND DECREED, as sufficient cause has been shown, the 30-day automatic stay on enforcing Plaintiff's money judgment, pursuant to Fed. R. Civ. Pro. 62(a) is hereby dissolved.

V. Miscellaneous Relief

- 6) IT IS FURTHER ORDERED, ADJOURNED AND DECREED that any failure by Defaulting Defendants to comply with the terms of this Order may be deemed contempt of Court, subjecting Defaulting Defendants to contempt remedies to be determined by the Court.
- 7) IT IS FURTHER ORDERED, ADJOURNED AND DECREED that the Court releases the Twenty Five Thousand U.S. Dollar (\$25,000.00) security bond that Plaintiff submitted in connection to this action to counsel for Plaintiff, Epstein Drangel, LLP, 60 East 42nd Street, Suite 1250, New York, NY 10166.
- 8) IT IS FURTHER ORDERED, ADJOURNED AND DECREED that this Court shall retain jurisdiction over this matter and the parties in order to construe and enforce this Order.

SO ORDERED.

SIGNED this 28 day of June, 2022, at 11:56 a.m.


HON. LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE